

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 35

House Engrossed
FILED
JANICE K. BREWER
SECRETARY OF STATE

HOUSE BILL 2373

AN ACT

AMENDING SECTION 41-2178, ARIZONA REVISED STATUTES; RELATING TO THE
DEPARTMENT OF BUILDING AND FIRE SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2178, Arizona Revised Statutes, is amended to
3 read:

4 41-2178. Exemptions

5 A. Any person engaged in installing manufactured homes, mobile homes
6 or accessory structures and licensed in an appropriate category by the
7 registrar of contractors pursuant to title 32, chapter 10, article 2 is
8 exempt only from the licensing requirements of this article.

9 B. The requirements of this chapter applicable to dealers and brokers
10 do not apply to persons performing the following transactions:

11 1. Real estate brokers and real estate salesmen licensed under section
12 32-2122 who engage in activities proscribed by this chapter with respect to
13 used manufactured homes, mobile homes, factory-built buildings or
14 subassemblies if ~~the activity is incidental to the transfer of an interest~~
15 ~~in real property and~~ the manufactured home, mobile home, factory-built
16 building or subassembly IS LISTED IN A CONTRACT FOR TRANSFER OF AN INTEREST
17 IN REAL PROPERTY EXECUTED BY ITS OWNER AND is installed on the real property.

18 2. Receivers, trustees, administrators, executors, guardians or other
19 persons appointed by or acting under the judgment of any court.

20 3. Public officers while performing their official duties.

21 4. Banks and other financial institutions, and their subsidiaries, and
22 other corporations qualified to do business in this state, if they are
23 proceeding as repossessors or liquidators, but only to the extent that they
24 finance the sales transaction by which the repossessed property is liquidated
25 or are a holder in due course with respect to the transaction.

26 5. A purchaser who sells no more than two factory-built buildings,
27 subassemblies, manufactured homes or mobile homes in any twelve month period.

28 C. FOR THE PURPOSES OF THIS SECTION, A MANUFACTURED HOME, MOBILE HOME,
29 FACTORY-BUILT BUILDING OR SUBASSEMBLY IS USED IF IT HAS BEEN OCCUPIED FOR AT
30 LEAST THIRTY CONSECUTIVE DAYS FOR ITS INTENDED USE OR FUNCTION BY A BONA FIDE
31 HOMEOWNER, RENTER OR OTHER END USER.

APPROVED BY THE GOVERNOR APRIL 1, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 1, 2004.